

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA160518-2273

13 June 2018

Dear [REDACTED]

Thank you for your request for information which the GLA received on 16 May 2018. Your request has been dealt with under the Environmental Information Regulations 2004.

You asked for

Please provide copies of correspondence between the GLA, the Mayor and former Mayors, the ODA and the LDA and any other organisations representing the GLA and the Mayors with Forman and Company regarding Vittoria Wharf.

Your request falls under the exception to disclose because it is considered to be 'manifestly unreasonable' under regulation 12(4)(b) of the Environmental Information Regulation (EIR). This provision allows public authorities to refuse requests which are obviously or clearly unreasonable or when the estimated cost of compliance is too great.

In reaching this decision we have considered the views of the Upper (Information Rights) Tribunal in *Craven v IC & DECCC [2012] UKUT442 (AAC)*¹ in respect of the EIR exception under regulation 12(4)(b). The formal guidance issued by the Information Commissioner's Office, along with Decision Notices regarding this EIR exception, such as FS50585926², amongst others, which all acknowledge that public authorities may use the fees regulations as the basis of considering the cost and time of complying with a request.

Your request relates to the work of the former London Development Agency (LDA). The agency was closed on 31 March 2012 and some of its functions were assumed by the GLA including responsibility for its records including physical and electronic archives. The GLA was not directly involved in the Formans/LDA CPO discussions or case as the matter was concluded before the information was transferred to the GLA.

¹ <https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

² https://ico.org.uk/media/action-weve-taken/decision-notices/2015/1560291/fs_50585926.pdf

The GLA has dealt with a recent ICO case³ about Forman and Company, whereby we established we hold 8 archive boxes within our deepstore archive that contain the formal records relating to Formans/H. Forman & Son/Forman & Field.

The GLA also holds an unstructured network-drive (the “LDA-drive”). This drive contains electronic documents or files predating 2012 which were not part of the formal “case file” or archived files. It remains in the format and structure in which it was received. The drive can only be searched using keyword searches. Each search takes between 1 and 2 hours to run and the results are then reviewed manually.

In this instance, we have decided this request falls within the parameters of regulation 12(4)(b) and is manifestly unreasonable because of the considerable amount of time that would be required to collate and review the information.

A public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. We are mindful of the general public interest in transparency and accountability, and of the presumption in favour of disclosure and to read exceptions restrictively.

Further to any time taken extracting information from the LDA Drive, we would have to spend a considerable amount of time reviewing each piece of information individually and consulting with third parties to consider whether or not it would be exempt from disclosure. The time and resources required to review this information would be unreasonable given the potential for it to remain exempt information.

On balance therefore, it is our view that the public interest in maintaining the exception in regulation 12(4)(b) outweighs the public interest in disclosure. In making this decision, we have taken account of the fact that the review resulted in a thorough and underacted public report and that a significant amount of information about the project itself has already been made public. I understand this response may cause frustration but it aims to ensure – as recognised in the guidance – that our responsibilities under the act do not distract from our other statutory functions as a public authority.

When refusing a request for environmental information under regulation 12(4)(b) on the grounds of cost, public authorities are required to provide advice and assistance by explaining how a request may be refined. However, your current request is particularly broad and it is not clear what specific type of information you are most interested in in relation to Forman and Company and Vittoria Wharf so it is not immediately obvious what information you are seeking within the correspondence. Vittoria Wharf is a large area and I understand discussions relating to companies located from the Olympic Site were vast and varied in nature. Perhaps if there is a specific document you believe may exist then we can target our searches to the 8 archive boxes established in the ICO decision notice (*FER0721960*) as the formal records relating to Formans/H. Forman & Son/Forman & Field.

Finally, I have been able to locate the correspondence between ‘the former Mayor’ and ‘Forman and Company’. Please note that this information was located within the GLA’s own historical archives and not those inherited from the LDA. A copy of this **is** attached.

³ <https://ico.org.uk/media/action-weve-taken/decision-notice/2018/2259057/fer0721960.pdf>

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA160518-2273.

Yours sincerely

Paul Robinson
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>